



CALIFORNIA FARM BUREAU FEDERATION

NATURAL RESOURCES AND ENVIRONMENTAL DIVISION

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Via First-Class Mail & Email
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Phil Isenberg, Chair
Delta Vision Blue Ribbon Task Force
650 Capitol Mall
Sacramento, CA 95814

Re: Comments on the Delta Vision Strategic Plan Second Staff Draft

Dear Chairman Isenberg and Members of the Task Force:

The California Farm Bureau Federation ("Farm Bureau") is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing approximately 91,000 members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

Farm Bureau appreciates the opportunity to submit comments on the Second Staff Draft of the Delta Vision Strategic Plan.¹

A. GENERAL COMMENTS

General Comment No. 1:

Commenting on the Strategic Plan as a whole, it is by now abundantly clear that the situation in and related to the Delta represents a problem of epic proportions for the State of California. Because of the sheer complexity of the issues, problems, and conflicting interests, the Delta has been called a "Gordian knot," and this is a very apt description. In general, CFBF is of the opinion that, to provide an effective "fix" for the Delta, solutions offered in the Strategic Plan

¹ NOTE: Page and line references herein are to the redlined version of the Second Draft Strategic Plan, dated July 11, 2008.

must be bold, but at the same time just. Individual sections of the vision need greater integration and cohesiveness in relation to one another, as well as consistency with the underlying vision. To help achieve this goal, important concepts and themes already present in the Draft, should be even more effectively and consistently highlighted and sustained throughout. These include:

1. The need for certainty in the face of uncertainty;
2. The value of certainty, reliability, and sustainability as new drivers of the value of water in California (as opposed to sheer volumes or quantities);
3. The interdependence of water and ecological goals (it is not possible to have one without the other);
4. The theme sounded early in the text, but lost or diluted somewhat thereafter, that water management in California depends not only on movement of water, but also the ability to capture and store it; and
5. The point that the co-equal goals of water supply and protection of the Delta ecosystem cannot be achieved without greatly increasing the overall resilience and flexibility of system.

General Comment No. 2:

Recommendations to maximize water supply benefits of wet-period hydrology highlight conveyance, but generally fail to make the connection to storage in any forceful or compelling way—and not only surface storage, but also to groundwater banking, conjunctive use, etc.

General Comment No. 3:

Regarding the reasonable use requirements of Article X, Section 2 and the public trust doctrine, CFBF would like to highlight the following points:

1. The "public trust" is, in effect, synonymous with "public interest"; the "public interest" entails not only protection of fish and the environment, but also uses of water that are beneficial to the public in general and to society at large (e.g., water for cities and to grow food and fiber); if protection of fish and wildlife in the name of the "public trust" is allowed to impact other uses water unreasonably, this may in fact constitute a breach of the "public trust" in the truest sense of the term.
2. Article X, Section 2 requires that the State's water resources be "put to beneficial use to the fullest extent of which they are capable," and that waste and unreasonable be prevented. Waste and reasonableness standards apply to environmental water use, as well as other beneficial uses. Eliminating or greatly curtailing existing water uses and reallocating water supply to the environment with no clearly demonstrable or proportionate benefit is not putting the water resources "to beneficial use to the fullest extent of which they are capable" and may, in some instances, constitute waste or unreasonable use (for example, where disproportionate, unsupported by adequate science, or unlinked to any positive outcome).
3. Meeting the Vision's co-equal "water supply reliability" goal places some necessary limitations on what is possible or desirable in terms of "the Delta ecosystem."

B. GOVERNANCE AND FINANCE

1. STRATEGY 1—MULTI-PART GOVERNANCE STRUCTURE (CDEW, DPC, Delta Conservancy, Public Utility & Delta Operations Group, Independent Science & Engineering Board, Public Advisory Group (p. 16))

General Comment re: Proposed Primary Authority of CDEW Plan and Council with Respect to Water Quality and Water Rights, Upstream Implications:

The State and Regional Water Boards should preserve primary legal and statutory authority over water quality and water rights in the Delta and throughout its watershed, to the extent water quality and water rights decisions and standards for the Delta indirectly affect water users, water quality, water rights, and reservoir operations both upstream and south of the Delta, and also to the extent the Porter-Cologne Act requires reasonable protection of *all* beneficial use. For the CDEW Plan or Council to set standards based solely on environmental water quality and export water supply could run afoul of other water quality needs and water rights holders in the State and of the Porter-Cologne Act. The CDEW Plan and Council should not preempt established legal authorities of the State and Regional Water Boards. Water rights proceedings centered on a possible new point or points of diversion for the SWP and CVP, as informed by the Bay-Delta Conservation Plan (BDCP), as well as ESA Section 7 consultations on the long term operations of the projects, should determine standards in the first instance, which the CDEW Plan and Council may then adopt and incorporate. Thereafter, centralized implementation and enforcement of these standards, along with other powers and authorities specific to the Delta and the State's overriding interests in the Delta (appeals, mid-stream corrections, consistency determination and periodic review functions, etc.), could be vested in the CDEW Council, if such an entity is to be created. On the whole, however, responsibility for the ultimate balancing of water quality and water rights considerations for the Delta and its extended watershed must remain with the State and Regional Boards.

p. 16, ll. 24-29:

Regarding the CZMA as a governance mechanism to ensure consistency across state, local, and federal jurisdictions, CFBF is concerned about possible unintended consequences, at least until this governance model and its interaction with existing governance structures can be further evaluated. For example, would the CZMA ensure federal consistency with state objectives, or is it possible that federal requirements under a CZMA Plan might also impede, frustrate, co-opt, or conflict with these very state objectives? Possible conflicts with local authorities are of equal concern. In addition, CFBF questions the need for the creation of a CZMA Plan separate from a CDEW Plan, a Bay-Delta Water Control Plan, Section 7 of the ESA, a future HCP/NCCP, and a Delta Protection Commission Land Management Plan. CFBF recommends that the Task Force direct the State Attorney General's Office study the CZMA concept further, before the Task Force adopts this model as a definitive part of the Strategic Plan—and that the State of California consider additional input from stakeholders, including the BDCP Governance Workgroup.

p. 18, ll. 19-22:

To the extent the CDEW Public Advisory Group, as described, would include no local representation (local governments, agriculture, boaters, etc.) separate from the statewide interests on that body, it appears that the this function would devolve largely to the DPC. (See Action 1.2, p. 18, ll. 44-45.) In this regard, the DPC and the DPC Resource Management Plan would become important conduits for local input and a key mechanism to achieve a balancing of statewide interests against local and ensure some basic consistency of the CDEW with priorities in the DPC Resource Management Plan and Delta Protection Act. This point is captured at least impressionistically at page 18, lines 44 through 45. However, this linkage should be brought out further, made explicit and deliberate, and retained as an important element of the final Strategic Plan.

a. Action 1.2 (p. 18, et seq.)—DPC & Land Use:

General Comment re: DPC versus CDEW Public Advisory Body / Local Representation & Balancing of Local and Statewide Interests:

Delta agriculture is a major focus of the current DPC Resource Management Plan and existing Delta Protection Act. These protections and priorities for Delta agriculture should remain as salient features of state policy as embodied in the Delta Protection Act and should be expressly incorporated in the CDEW Plan as well. Adequate recognition of the value and importance of Delta agriculture at this point is conspicuously absent from the Draft Plan's discussion and treatment of "Delta As Place" and from the this second draft of the Plan as a whole.

p. 18, ll. 29-31:

It will become necessary at some point to better define "state interests" to be "articulated in the CDEW Plan." At this point, it is not at all clear from the current Draft what overriding "state interests" in the secondary zone are not adequately protected. To justify preemption or direct oversight of the traditional police powers and land use authorities of local governments, inconsistencies must be more than a simple inconvenience: There must have some direct bearing on a truly compelling statewide interest.

p. 19, ll. 11-18:

The SAMP concept for the purpose of highlighting overriding statewide interests in certain areas seems potentially useful, as an alternative to radical reorganization of the Delta's existing legal boundaries and, also, for providing increased flexibility (for example, in urban areas, such West Sacramento); once again, however, there should be compelling reasons for any designation of a controlling statewide interest. Absent this, "local rule" should in all cases be the preferred approach to governance.

b. Action 1.3 (p. 19, et seq.)—California Delta Conservancy:

General Comment re: Conservancy and CDEW Plan and Council Relative to Existing Programs and Agencies:

CFBF is currently skeptical that a newly formed Conservancy would have actual capacity to deliver on all that is expected of it, as outlined in the current Draft Plan. At a minimum, more explicit coordination with existing authorities in this area seems necessary (CDFG, NMFS, USFWS, etc.). CFBF also sees a need for more explicit coordination with and delegation to highly successful and experienced ecosystem managers (e.g., TNC, Duck Unlimited), private land trusts and Resource Conservation Districts, as well as private landowners, who are stewards of land (RDs, farmers, etc.). Similarly, the importance of a strong linkage between the CDEW Council and Plan and a CDEW Independent Science and Engineering Board and Science Program bears emphasis. It is important to recognize that a CDEW Council and Plan need not ‘reinvent the wheel,’ in terms of on-going work in the BDCP, ERP, OCAP, state and federal recovery plans, the State Water Board, the IEP, etc. In particular, the BDCP would appear to provide a promising new method of funding and implementing necessary actions in the Delta, since proposed actions in the BDCP will be predicated on permitting conditions and would-be applicants will have existing buy-in and willingness to pay for the plan they have developed.

General Comment re: Role of Delta Conservancy: The Conservancy’s role is most appropriately that of a traditional conservancy—acquisition (fee title and easements), coordination, and funding. A fledgling Conservancy should not be expected to replace or supplant the existing expertise and considerable capacity of existing actors, including CDFG, USFWS, NMFS, BDCP, ERP, etc. The current Strategic Plan overstates the role of a future Conservancy, while the ignoring the considerable capacities of various existing agencies.

- c. Action 1.4 (p. 20, et seq.)—Delta Operations Team & California Water Utility:

General Comment re: Proposed Primary Authority of CDEW Plan and Council vis-à-vis State and Regional Water Boards, Porter-Cologne Act, Water Rights & Protection of Beneficial Uses:

Water rights, water quality, and flow requirements in the Delta proper affect water rights, water supply, and reservoir operations upstream. The current Draft indicates the CDEW Plan would “determine” inflows, outflows and exports to achieve the “co-equal values” of water supply and a functional ecosystem, and that the State Board’s Water Quality Control Plan would then adopt those parameters. To the extent this would limit the State Board’s ability to fulfill its obligations under the Porter-Cologne Act or that it would impact water rights outside of the Delta, the approach seems untenable. In terms of flow requirements for water supply and the ecosystem, the BDCP will likely result in a plan that balances these objectives to a large extent. If there are notable gaps in this plan (bearing, for example, on water rights or water quality), the State Water Board is the agency best suited to make necessary adjustments, through any necessary amendments to the existing Water Quality Control Plan or a water rights proceeding. If a future Delta governance structure then requires these standards to be incorporated in a CDEW Plan for the Delta, and administered by a CDEW Council with delegated authority from the SWRCB, this may be appropriate. Appeals and consistency functions, and oversight of a Public Utility and Operations Team, for example, might be at this point appropriately vested in a CDEW-like, Delta-centric body. In the first instance, however, the State’s existing water rights and water

quality laws require that responsibility for development of a plan remain with the State Water Board. It seems quite obvious to us that this is the correct chain of authorities and not the reverse (i.e., a CDEW dictating water quality, water rights, and flow requirements to the State and Region Water Boards). The Task Force should correct this shortcoming in the current Draft Strategic Plan.

- d. Action 1.5 (p. 21-22)—Delta Science Program / Delta Science and Engineering Board:

General Comment:

There is a clear need for better on-going integration of scientific and technical information to support planning, policy, and management decisions related to water supply, ecosystem management, and the Delta.

- e. Action 1.6 (p. 22)—Adaptive Management:

General Comment Re: Adaptive Management, Scientific vs. Regulatory Uncertainty:

While robust adaptive management over time is desirable in light of uncertainty, precisely because of this uncertainty, some level of regulatory certainty is also necessary. Sound science should, of course, inform policy and management decisions on an on-going basis. At the same time, however, to ensure a workable solution that satisfies the Vision's co-equal goals, an approach that affords excessive latitude in areas of significant scientific uncertainty must not be allowed to foster too volatile and unpredictable a regulatory environment for a functioning economy.

2. STRATEGY 2—"CONSISTENCY OF ACTION":

- a. Action 2.1 (p. 23)—CDEW Plan:

General Comment re: CDEW Plan:

In general, the concept of a central plan that identifies clear "state interests" in the Delta, and to which all actors adhere, has intellectual force and does appear to offer a promising approach to at least some of the concerns related to institutional fragmentation and conflicting state and regional priorities. However, as noted elsewhere herein, the CDEW Plan and Council must not subsume the legal and statutory responsibilities of the State Water Board related to the administration of water rights and water quality under the Porter-Cologne Act; the Plan should not displace important regional priorities and state policy goals embodied in the Delta Protection Act and Resource Management Plan, including the preservation of agriculture as a prominent land use and important priority in the Delta; nor should the Plan usurp and constrain local land use authorities, where these do not interfere fundamentally with some overriding statewide objective.

General Comment re: CZMA:

While CFBF understands the goal to ensure CZMA designation and consistency across local, state, and federal jurisdictions, we urge the Task Force to carefully consider the potential for unintended consequences.

General Comment re: Effect of a CDEW Plan or Other Plans:

CFBF is somewhat concerned that a CDEW Plan to which all other plans must conform could create inconsistencies with existing plans, including an eventual Bay-Delta Conservation Plan, as well as certain priorities and purposes which must be included in the DPC's Resource Management Plan under the Delta Protection Act (e.g., protection and preservation of Delta agriculture). As noted, we also believe that the water rights and water quality requirements in the State Water Board's Water Quality Control Plan should drive water quality- and water rights-related elements of an eventual CDEW Plan, and not the reverse.

b. Action 2.3 (p. 24, et seq.)—Diversion & Use of Water:

Regarding the SCADA concept, if there is serious intent to pursue this concept, the idea needs some preliminary estimation as to total potential cost relative to the expected benefit, as well as a working definition of "significant permitted and licensed surface water diversions and permitted discharges."

3. STRATEGY 3—FINANCING / REVENUE GENERATION:

p. 25, ll. 42-44:

Regarding the proposed "wide range of financing instruments" (p. 25, ll. 42-44) and "layering" of "revenue-generation systems," while a broad, diverse, and flexible funding base is desirable, duplicative or cumulative fees, charges, and taxes that impact the same group of users and increase the cost of doing business in State unreasonably do *not* reflect good policy or governmental economy and should be avoided.

p. 25, l. 44-p. 25, l. 2:

The statement regarding the adopted assumption that environmental water will not be purchased, but rather provided through application of the reasonable use requirements of Article X, Section 2 and the public trust prejudices and improperly excludes an essential tool. Most importantly, it sets up an implementation structure that is predicated on what is, in essence, governmental seizure of existing water rights, without compensation. In our view, this assertion is quite inappropriate. The Strategic Plan should recognize that water markets provide a viable means to accomplish a rededication of some of the State's water resources to the environment (as well as other uses) and that prior rights must be respected. Also, it is important to recognize that the public trust or "public interest" requires protection of *all* beneficial uses, in addition to maximal utilization of water resources for *all* purposes and not solely the environment.

p. 25, ll. 40-42 / p. 27, ll. 7-23:

These statements do little to elucidate what constitutes a broad “public benefit” as opposed to a “local benefit,” or what is meant by a “proportional share[] of revenue obligations and of risks and liabilities” to be borne by “private beneficiaries.” How and where will this be sorted out?

p. 27, ll. 17-20:

Local finance plans to define local shares of major capital projects are a reasonable requirement and necessary if projects are to proceed. However, most benefits from new storage, for example, may well be public benefits (ecosystem benefits, flood control, mitigation for effects of climate change, etc.). Also, before a finance plan with local support can be developed, it must first become clear what benefits a particular project would likely provide, what it would cost, what percentage of the cost would be borne by the public a large, etc. This requires completed feasibility and engineering studies. It requires integration and optimization within the broad context of rapidly changing and interrelated planning efforts throughout the state. Finally, it requires active communication and outreach to prospective beneficiaries.

C. DELTA ECOSYSTEM:

General Comment re: Consistency and Compatibility of the Ecosystem Strategic Elements with Other Goals and Objectives of the Vision:

Because goals and objectives for the ecosystem section were produced in isolation from work on other elements of plan, the ecosystem plan ignores and circumvents other important objectives of the Vision and Strategic Plan, including both water supply and ‘The Delta As A Place.’ While this is not easily remedied at this stage, we see such fragmentation as a severe shortcoming in the Strategic Plan as currently drafted.

General Comment:

The introduction to this section states that it is “unrealistic” to expect a return to historic (pre-disturbance) conditions; what follows, however, suggests that what is desired is very much a return to some semblance of a historic (pre-disturbance) state, so far as possible, with little apparent regard for the Delta’s existing resources. In terms of flows, this conflicts with the Vision’s co-equal water supply goals. In terms of land use, it conflicts with important goals for ‘The Delta As A Place,’ including protection and preservation of Delta agriculture.

General Comment:

The document refers to restoration at certain “critical locations,” in “opportune places,” to “appropriate” water quality and flows, and a return to “some” amount of channel diversity (branching channels, etc.). These qualifiers are important. The desire and need to restore some semblance of a self-sustaining, naturally functioning ecosystem, to the extent feasible, should not be confused with a return to historic conditions throughout the Delta, without due regard for existing land uses in the Delta or current, non-ecosystem-related demands on the State’s water resources.

a. Action 4.1 (p. 31, et seq.)—Tidal Marsh Restoration:

In our view, areas such as the Clarksburg Area, against the Deep Water Ship Channel, including Reclamation District 999 and Ryer Island below, Sutter Island and New Hope Tract, and Union, Fabian, Middle and Upper Roberts Islands in the South Delta should be low priorities or non-priorities for the foreseeable future. These are highly productive agricultural areas and are not desirable locations for tidal marsh for this reason. In contrast, publicly owned areas such as Stone Lakes NWR, Prospect Island, and the McCormack-Williamson Tract, most of the Yolo Bypass, Suisun Marsh, and Dutch Slough offer better opportunities for near-term restoration, that provide significant ecosystem benefits without causing massive dislocations to existing land uses. To the extent restoration is undertaken in proximity to high-value, productive agriculture, affirmative steps, including careful siting of proposed projects, should be taken to avoid and lessen adverse impacts to the greatest extent possible.

b. Action 4.3 (p. 33, ll. 30-32)—Seasonal Wetland Complexes:

In general, using poorly drained, flood-prone and/or economically margin lands, as opposed to highly productive and valuable lands is a strategy which should be employed to the maximum extent possible, in order to minimize and avoid conversion of the Delta's best farmland.

c. Action 4.4 (p. 33, et seq.)—Open Water Habitats:

The general distribution of desirable versus undesirable open water areas in the North Delta, along the Sacramento corridor, as opposed to the Western, Central, and Southern Delta suggests that open water restoration at additional locations in the Southern, Central, and Western Delta may provide little value, due to its susceptibility of such habitats to SAV and other non-native invaders, as well as adverse water temperature impacts to species in a long-term warming scenario. Low inflow, DO problems near Stockton, and possible entrainment risks would seem to argue against extensive tidal marsh and open water habitat in the South Delta, at least in the near-term. To the extent such restoration is found to be feasible and is undertaken in the future, deliberate steps must be taken to preserve and protect surrounding agricultural land uses, as well as the water quality required to irrigate these lands.

d. Action 4.5 (p. 34, et seq.)—Channel Geometry:

p. 35, ll. 9-11: Recent analyses suggest that hydraulic separation of Old River may have potential significant fish passage and entrainment-reduction advantages. While it would appear the concept has potential to introduce some design-dependent water quality concerns as well as some trade-offs, recent refinements to this concept in the BDCP also appear to highlight the structural feasibility of an isolated Old River Corridor, while reducing its cost. The advantages and disadvantages of this approach need further study.

1. STRATEGY 5—WATER FLOWS & OTHER ECOSYSTEM PROCESSES /
VARIABILITY:

To increase “variability” and simulate a “more natural hydrograph” without unreasonable impacts on water supply, it will be necessary to improve conveyance, improve the timing and flexibility of exports, and enhance surface water and groundwater storage capacity, especially south of the Delta. Increasing flows, without improving conveyance and storage fails to achieve the Vision’s co-equal water supply reliability goal.

a. Action 5.1 (p. 36, et seq.)—Increased Freshwater Flows / Fall Outflow:

General Comment re: Fall Outflow:

Late summer, fall and early winter are generally considered to be less biologically sensitive times of year. This is the time of year when reservoirs ease off releases for summer irrigation and begin to rebuild storage from drawdown over the preceding spring and summer. In the recent past, this has also been the time of year when exports by the CVP and SWP have been generally less constrained. Late July to October is naturally the driest part of the year and, thus, releasing more water during this period hardly simulates a return to a more natural hydrograph. Large releases from upstream reservoirs and reduced spring pumping to meet various ESA and water quality requirements greatly impact the ability of the projects to build water supply at that time of year. Requiring further releases in the fall would effectively hamstring project operators. Indeed, recent modeling of just such a scenario in the BDCP effectively broke the system, literally draining key reservoirs such as Shasta and Oroville and deeply eroding the critical “coldwater pool.” In short, besides the fact that there is no clear or significant benefit associated with massive releases of water in fall, a scenario involving large amounts of outflow in *both* spring and fall would afford no time or opportunity to improve the timing of exports and, thus, to satisfy the Vision’s co-equal water supply goals. Delta Vision should revisit this aspect of its ecosystem vision and correct this critical flaw in the Plan.

General Comment re: Outflow In General:

p. 36, ll. 36-38: As the text notes, it is not well understood how or to what extent outflow benefits fish or the ecosystem. Historical correlations of X2 (Delta outflow and the location of 2ppt isohaline in relation to the Golden Gate Bridge) to abundance have weakened or disappeared for most pelagic fish species since the introduction of the Asian clam in 1986, and today other factors including ammonia levels and historic water temperatures appear to impact abundance more significantly than outflow. (Fullerton, 2008.) In addition, there are several ways to improve the X2 standard (maintaining and improving biological benefit, while removing unreasonable uncertainties for operators and water users), including month-to-month cumulative averages and removal of the Roe Island standard, as mentioned in the text. Delta Vision should revisit the assumption regarding Delta outflow, including the X2 protective standard, as that standard is currently applied.

b. Action 5.2 (p. 37, et seq.)—Export Effects:

General Comment:

Further restricting and reducing exports will not achieve the Vision's co-equal water supply objective. Physical solutions including relocation of diversions, multiple points of diversion, improved operations, altered timing and volumes of exports, operable barriers in the Delta and water routing options (including isolated fish passage corridors), and new storage both above and below ground, particularly south of the Delta, will go far to reduce adverse export effects. Remaining risks can be addressed gradually over time through reasonable improvements in efficiency and regional self-sufficiency, etc.

c. Action 5.4 (p. 38, et seq.)—Timing of Exports:

The dry-year, wet-year disconnect in timing of exports and diversions to storage is key—and, as acknowledged here, enhanced storage capacity (both above and below ground and, particularly, south of the Delta) is key to achieving this goal. The point regarding loss or dampening of natural variability is also valid. Notwithstanding, operational rules that encourage approximation of a more natural hydrography are possible, and exports above a certain threshold are, in a true sense, “surplus” water in the system. The problem relates to current limitations on conveyance and storage that reduce opportunities for optimization. In this regard, CFBF is generally very supportive of the Draft Plan's Strategy 9 and Actions 9.2 and 9.4.

D. WATER SUPPLY

General Comment:

Performance measures should link different recommendations to an expected range of yields.

General Comment re: Floodplain Management & Groundwater Recharge:

The recommendations on reservoir reoperation, timing of releases, “passive” storage in floodplains, and infiltration (e.g., Actions 8.2 and 8.3) need fleshing out in a technical sense to show they can actually work and make a substantial difference. Our understanding is that any significant infiltration on the valley floor would require vast areas of land, including perhaps many hundreds of thousands of acres *upstream* of the Delta). By and large, such upstream areas are currently occupied by agriculture. Obviously, for implementation any such strategy, actual, significant benefits must be shown in advance. Landowner and farmland impacts must be taken into account and compatible uses sought out and pursued to the maximum extent possible.

1. STRATEGY 7—REGIONAL SELF-SUFFICIENCY:

General Comment:

Regional self-sufficiency is a “sure path” only to the extent local water supplies provide a reliable (and sustainable) source of water. If, for example, regional self-sufficiency means making up the shortfall in necessary imported water supplies through groundwater depletion without replenishment, this is not a true long-term “reliable supply.” Eliminating existing uses

as well (i.e., land retirement, for example, except in certain very limited circumstances), is not an appropriate means to “regional self-sufficiency.”

a. Action 7.4—Agricultural Water Efficiency:

The Draft Strategic Plan states that agriculture is the largest user of water in the State of California. In fact, while agricultural water use is estimated to represent 29 to 52 percent of total dedicated water supply in California, environmental water use² has in recent years accounted for 35 to 63 percent of this total.³

CFBF believes that the waste and unreasonable use prohibitions of Article X, Section 2 of the California Constitution apply not only to agricultural and urban use, but also to instream environmental use. Efforts by the Water Board and other state agencies to improve water efficiency while maximizing water use for beneficial uses should examine the reasonableness of the State’s environmental water use. Environmental water dedications that divert or reallocate water supply from other beneficial uses to environmental water use should be scrutinized as to the reasonableness of such use in terms of any measurable benefit and also in terms of the economic cost to other beneficial uses of water.

Efforts or new initiatives to increase existing agricultural water efficiencies should take account of past improvements and the relative cost of a given increase in efficiency, particularly as existing efficiencies increase and approach an upward limit over time. Furthermore, any such effort should consider not only total water use, but also how much food a given volume of water produces over time (agricultural production per unit of applied water). For example, by one estimate, while the total volume of applied water per acre between 1967 (the first year of operations of the State Water Project) and 2000 increased by 2 percent, total crop production (yield) during the same period increased by 89 percent.⁴ Similarly, by the Department of Water Resources’ estimate in the 2005 California Water Plan Update, agricultural production per unit of applied water increased 38 percent between 1980 and 2000.⁵

It is important to recognize that maximal agricultural water efficiency is neither achievable, nor desirable in all cases. While high levels of efficiency can improve water supply by reducing demand, among other benefits, water efficiency can also lead to several, potential adverse environmental impacts: Examples include potential adverse effects on instream flows, reduced dilution and greater concentration of contaminants, reduced groundwater recharge, decreased return flows, adverse impacts on downstream water use, increased concentration of salts in soils

² Defined as “dedicated” environmental water including “instream flows, wild and scenic flows, required Delta outflow, and managed wetlands water use.” See California Water Plan Update, Volume 3, Chapter 1 at 1-11. (<http://www.waterplan.water.ca.gov/previous/cwpu2005/index.cfm>).

³ See *ibid*.

⁴ Per telephone communication with Mike Wade of the Farm Water Coalition, July 8, 2008.

⁵ California Water Plan Update 2005, Volume 2, Chapter 3 at 3-1 (<http://www.waterplan.water.ca.gov/docs/cwpu2005/vol2/v2ch03.pdf>).

and reduced crop yields. Drip irrigation and deficit irrigation is not possible, appropriate, or desirable for all crops or in all locations. Achievable efficiencies depend on crop types and local conditions.

b. Action 7.5—Desalination, recycling:

As an area that appears to hold particularly promise, the Task Force should recommend aggressive exploration of brackish desalination in the Delta, as a source of potential supply to the Bay Area that could in turn help to reduce demands on the Delta and its tributaries.

c. Action 7.7—Water Transfers:

Legal and institutional mechanisms should avoid disincentives to mutually beneficial water transfers and water markets (e.g., loss or erosion of water rights, third-party impacts, etc.).

2. STRATEGY 8:--INTEGRATION AND MANAGEMENT

Concerning in-Delta water quality, the Strategic Plan should incorporate direction as to deliberate mitigation, including operations and physical structures (gates, barriers, flow augmentation, etc.). At the same time, the Plan should consider potential conveyance improvements to reduce long-term salinization effects in the San Joaquin Valley and Tulare Basin associated with the CVP's current method of diversion.

a. Action 8.5—Controlling contaminants at source:

To achieve lasting solutions, actions in this category should include long-delayed structural solutions such as a Westside drain or functional equivalent.

b. Actions 8.6 and 8.7—Groundwater banking and management:

Actions need further emphasis, as well as linkage to new and existing surface water and conveyance improvements (interties, peripheral canal, etc.).

3. STRATEGY 9—WET-PERIOD DIVERSIONS:

General Comment:

Piecemeal storage investigations must link back to a comprehensive, long-term, statewide water management and infrastructure development strategy.. (See, e.g., Action 9.6.)

a. Action 9.1—Middle River Conveyance:

While the concept of an “isolated” Old River Corridor still appears to hold some promise, the Draft's specific recommendations on Middle River conveyance and other near-term conveyance improvements based on Stakeholder recommendations last year are out of date. Delta Vision should check in with BDCP to get updated information.

b. Actions 9.2., 9.3, 9.4, 9.5 & 9.6:

Regarding conveyance, in-Delta water quality and water use, CFBF is generally supportive of the recommendations under these five ‘Actions.’

E. DELTA AS A PLACE:

General Comment:

As with the Delta Ecosystem section, many sections of the “Delta As A Place” text seem disconnected from other elements of the Strategic Plan. There is a need for improved integration among all elements of the Plan and for improved integration of disparate workgroup products.

General Comment:

Throughout the Draft Strategic Plan, and particularly in the “Delta As A Place” section, there appears to be a general lack of recognition for historic and existing agriculture in the Delta. The emphasis in “Delta As A Place” appears to be on new parks, tourism, and “alternative forms” of agriculture, to the extent Delta agriculture is mentioned at all. This is not consistent with language in the Task Force’s Vision (for example, see the Task Force’s Vision at pages 21 through 26), or with established State policy, including protection and preservation of Delta agriculture, consistent with the Delta Protection Act. This gaping omission in the current draft must be corrected without fail.

1. STRATEGY 10—RECOGNITION OF ‘DELTA AS A PLACE’:

General Comment:

The language in this section again focuses almost exclusively on tourism, parks, private investment, etc. There is scant express recognition of the existing agricultural land uses that dominate the Delta landscape presently, or of the continuing role of these existing land uses in the Delta’s future, beyond vague discussion of gradual transformation of these land uses into something else.

General Comment re: Salinity Intrusion:

Increasing salinity intrusion, without possible mitigation, should not be taken for granted. If this impact is anticipated, the Strategic Plan should address ways of potentially reducing impacts through deliberate mitigation and compensation (including gates, barriers, and fish screens, project operations, direct hook-ups, enhanced inflow through possible water exchange arrangements, etc.). There is some of this in the “Water Supply” section (e.g., p. 62, ll. 25-38, p. 64, ll. 19-36), but there needs to be much more.

General Comment re: Carbon Sequestration:

The Strategic Plan should consider potential conditioned lease-backs of publicly owned Western Delta islands to achieve the stated purposes.. In addition, the Plan should consider economic

incentives, public investment, and the revenue-generating potential of carbon farming on private lands.. In general, to become a reality, carbon farming options in the Delta will require substantial investment in new crop and energy technologies.

General Comment re: River corridors and proposed SAMPs:

The SAMPs are potentially a good solution to a tough governance issue.

CONCLUSION

Thank you for the opportunity to provide our comments and concerns. We look forward to further involvement and discussion with Delta Vision on the development of the Strategic Plan

Sincerely,



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Associate Counsel



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cc: